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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,572	07/25/2003	Shuhei Hara	2003_0967A	9545

513 7590 12/21/2005

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,572	HARA, SHUHEI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey A. Shapiro	3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 8/9/05. These drawings are acceptable. As such, revised figures 1, 3, 4 and 6-13 will be entered.

### ***Specification***

2. Acknowledgement is made of the receipt of the substitute specification received on 8/9/05. This substitute specification has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gokcebay et al (US 6,791,450 B2). Gokcebay discloses a locker system (10) with a control center (see locker system software (45) and database (48) of figs 4 and 5),

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wherein a locker site is selected, a window of time for picking up the order (note that orders are considered to be equivalent to parcels, since either item would work in both Applicant's and Gokcebay's system), a communication system between the customer, the central controller, and the vendor/deliverer. See col. 3, lines 39-52. Instructions are given to the customer regarding locker location, number and code by email. See col. 4, lines 20-36. Information concerning whether or not the items have been obtained is recorded in said database. See col. 4, lines 45-65. If an item is not picked up during the prescribed time duration, the customer is notified. See Gokcebay claim 5. Note that the delivery instructions provided to the delivery company can be construed as address information.

### ***Response to Arguments***

2. Applicant's arguments filed 8/9/05 have been fully considered but they are not persuasive. Gokcebay still is construed to read on and anticipate Applicant's amended claim language as currently written. In addition to the discussion above, note that Gokcebay's locker system includes an internet-based locker reservation system. See for example, Gokcebay, abstract, col. 2, lines 2-5 and col. 4, lines 21-26, which describes reserving a locker among plural lockers for a customer to use and notifying said customer of said locker through the internet. Note again the abstract, last three lines, which mentions that "assignment of lockers and codes can be web-based, and can be done by a vendor, a delivery company or an online customer."

Furthermore, Gokcebay col. 3, lines 41-52 describe that the customer can be empowered to choose a particular locker and the system set up the appropriate size,

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and, by implication, inherently would require a time period and address of the locker for pick up. Alternatively, the delivery company or vendor can choose a locker through the computer system. As Applicant points out, neither the vendor nor customer can select a locker for use while it is currently occupied. Note that this is also true for a locker in Applicant's system. However, the system reserves a "window of time" during which a particular locker among plural lockers can be used. This is also accurate upon construction of Applicant's independent claim limitations, as a "reservation signal" can be reasonably broadly construed as either the signal a customer inputs into the system to identify that a locker is needed, or the signal the computer sends indicating the time window in which the locker can be used.

At the very least, the structure of Applicant's system is the same as Gokcebay's system. Gokcebay's system monitors the status of the delivery lockers as to when they are in use or not. Gokcebay's system necessarily takes this information and uses it in the determination of when a customer can use a particular locker. Therefore, it can be argued that although the customer is not notified of lockers that are not in use in Gokcebay's system, it is substantially the same structure with substantially the same result as Applicant's system. In the alternative, it would have been obvious to continuously monitor a particular locker in real time, and to notify a customer at the exact time said locker became available. See also Gokcebay, col. 3, lines 39-67, noting in particular lines 63-67 denote that the system processor selects an available locker based on "special criteria". Such criteria can be considered to logically include the choosing of a particular locker. At the very least, this would have been obvious.

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Gokcebay's system notifies a customer of a reservation of a locker during a particular time period while monitoring the status of all lockers. It is simply a matter of design choice as to when it is best to notify a customer, as the situation dictates. In other words, it would have been obvious to continuously monitor one locker and notify the customer of the time period it is available as soon as that time period occurs. Note also that it is inherent that a customer should choose a locker geographically local to him/herself. See also col. 3, lines 48 and 49 in which it is stated that the customer may indicate a locker site.

As to whether or not a customer can use Gokcebay's locker system to enter multiple addresses for delivery, or cascading addresses whereby a delivery company delivers a package from a previous delivery address to an additional delivery address, note col. 5, lines 39-45 describes a "real time multi party programmable lock system..." See also figures 4 and 5 which illustrate several vendors (A-D) and one delivery company (43) or one vendor and several delivery companies. At the very least, it would have been obvious to delivery a package from a previous delivery address to an additional delivery address, since this fits the definition of what is otherwise known as "drop shipping".

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571)272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jeffrey A. Shapiro  
Examiner  
Art Unit 3653

December 14, 2005



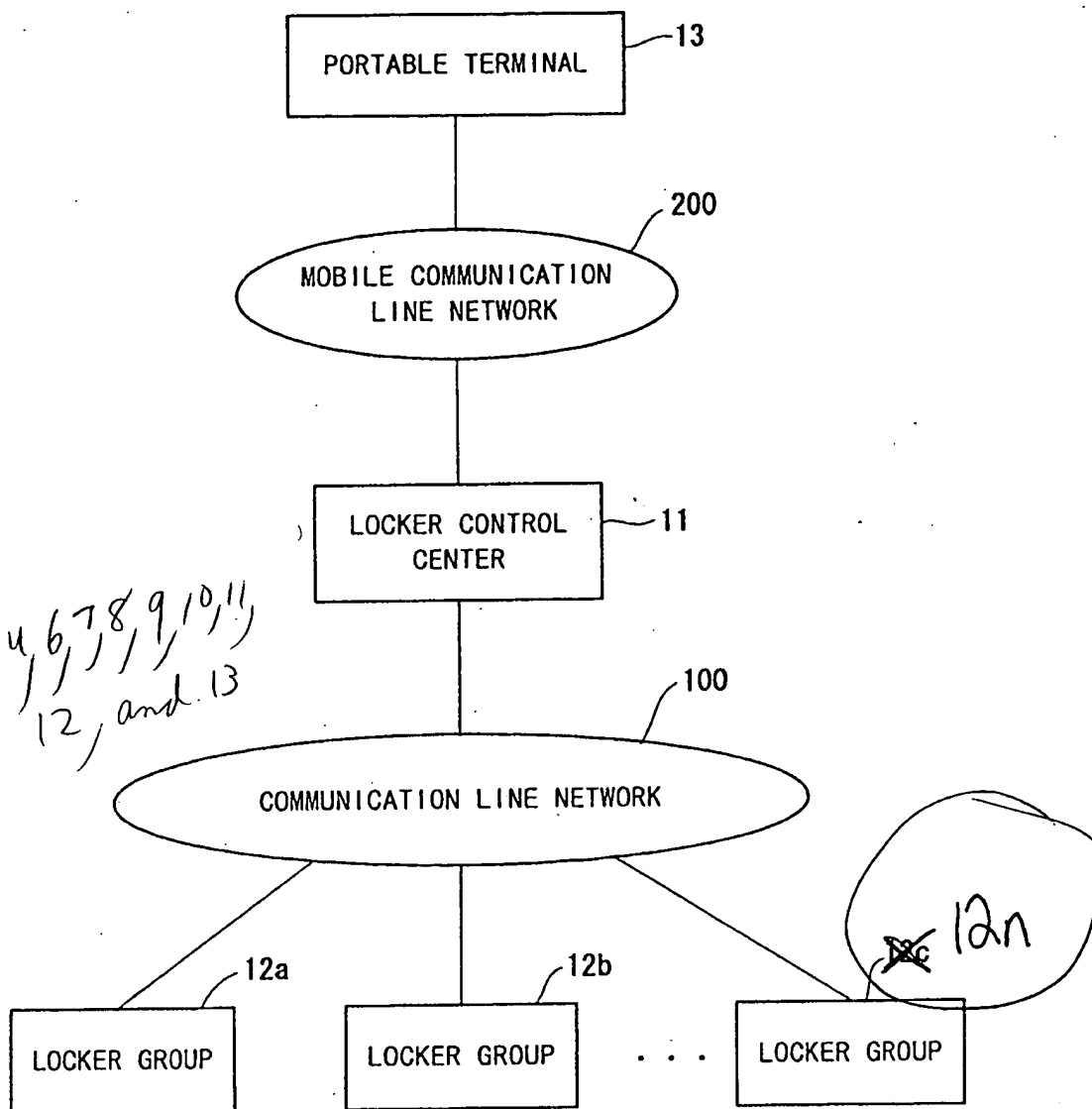
DONALD E. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600





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**FIG. 1**



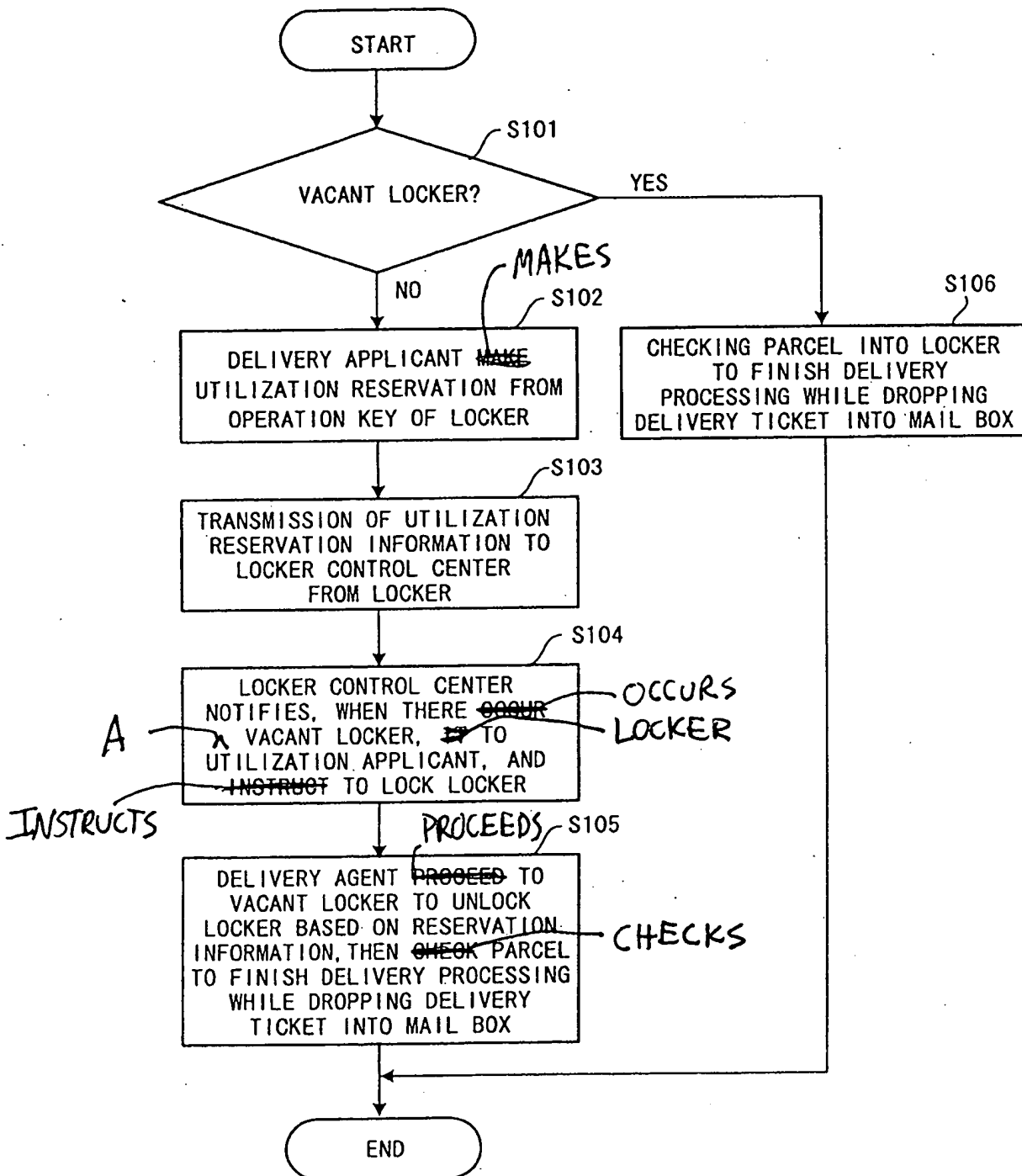
Revised  
Figures 1, 3, 4, 6, 7, 8, 9, 10, 11,  
12, and 13

ok for  
entry

*[Signature]*

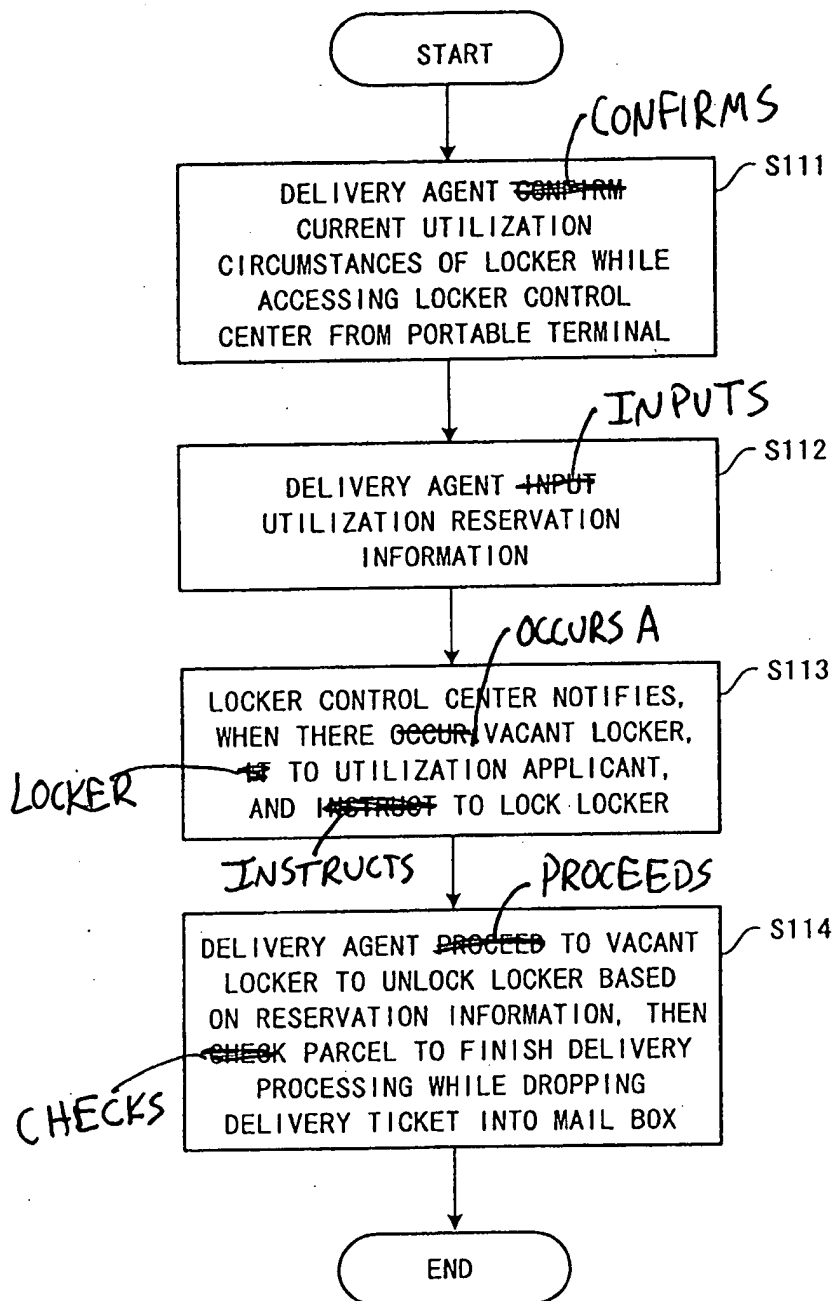
11/26/05

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**FIG. 3**

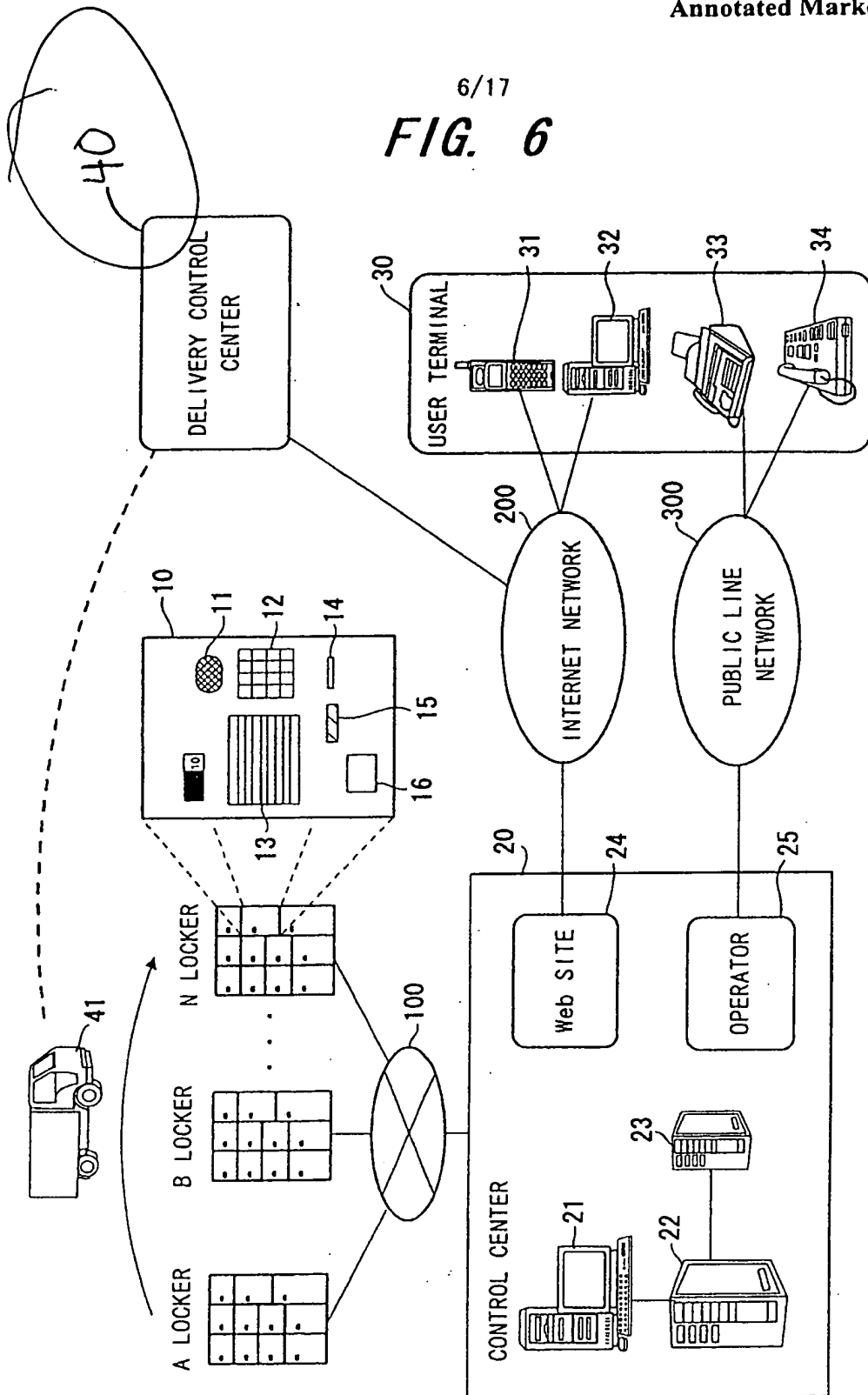
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FIG. 4



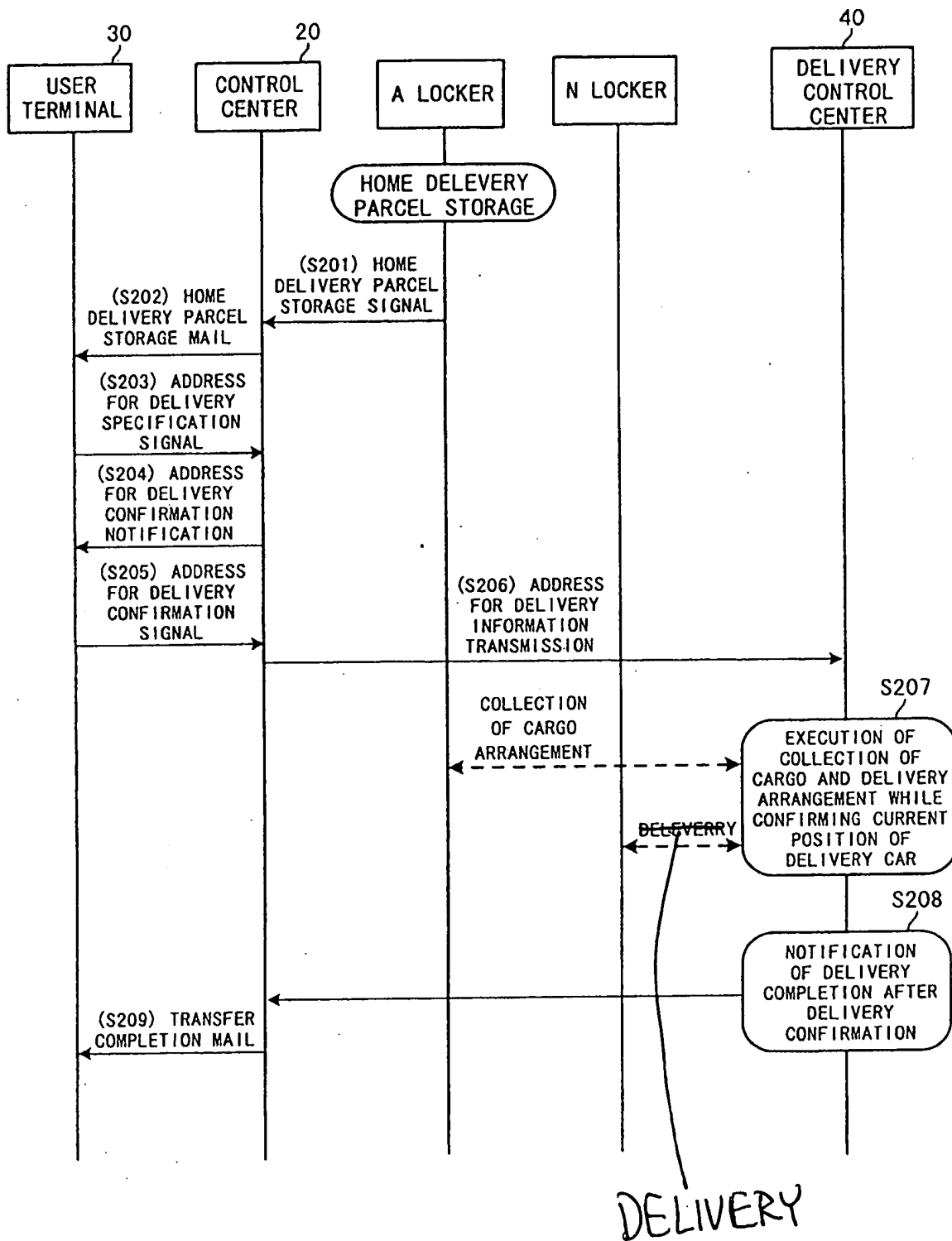
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FIG. 6



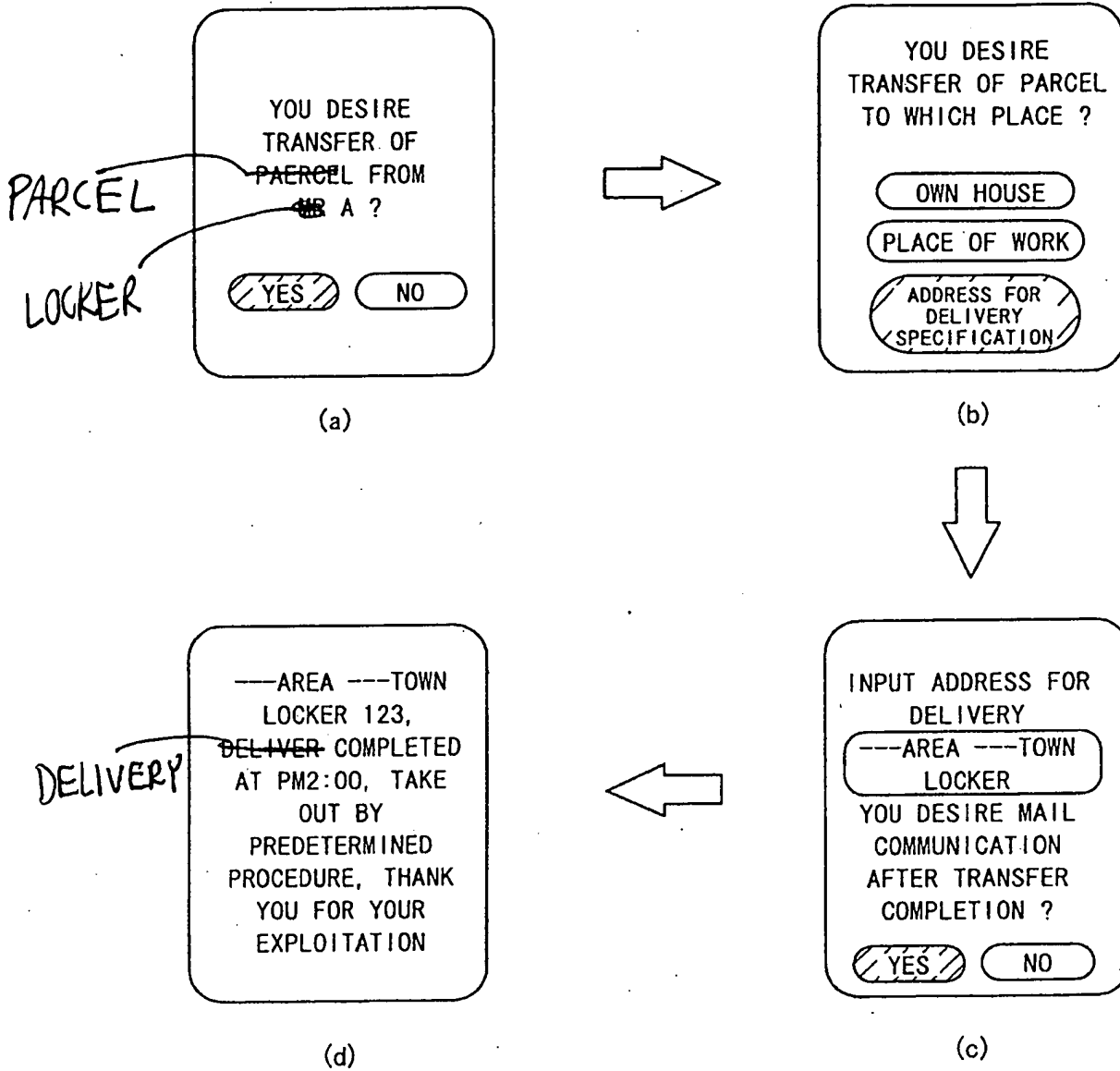
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FIG. 7



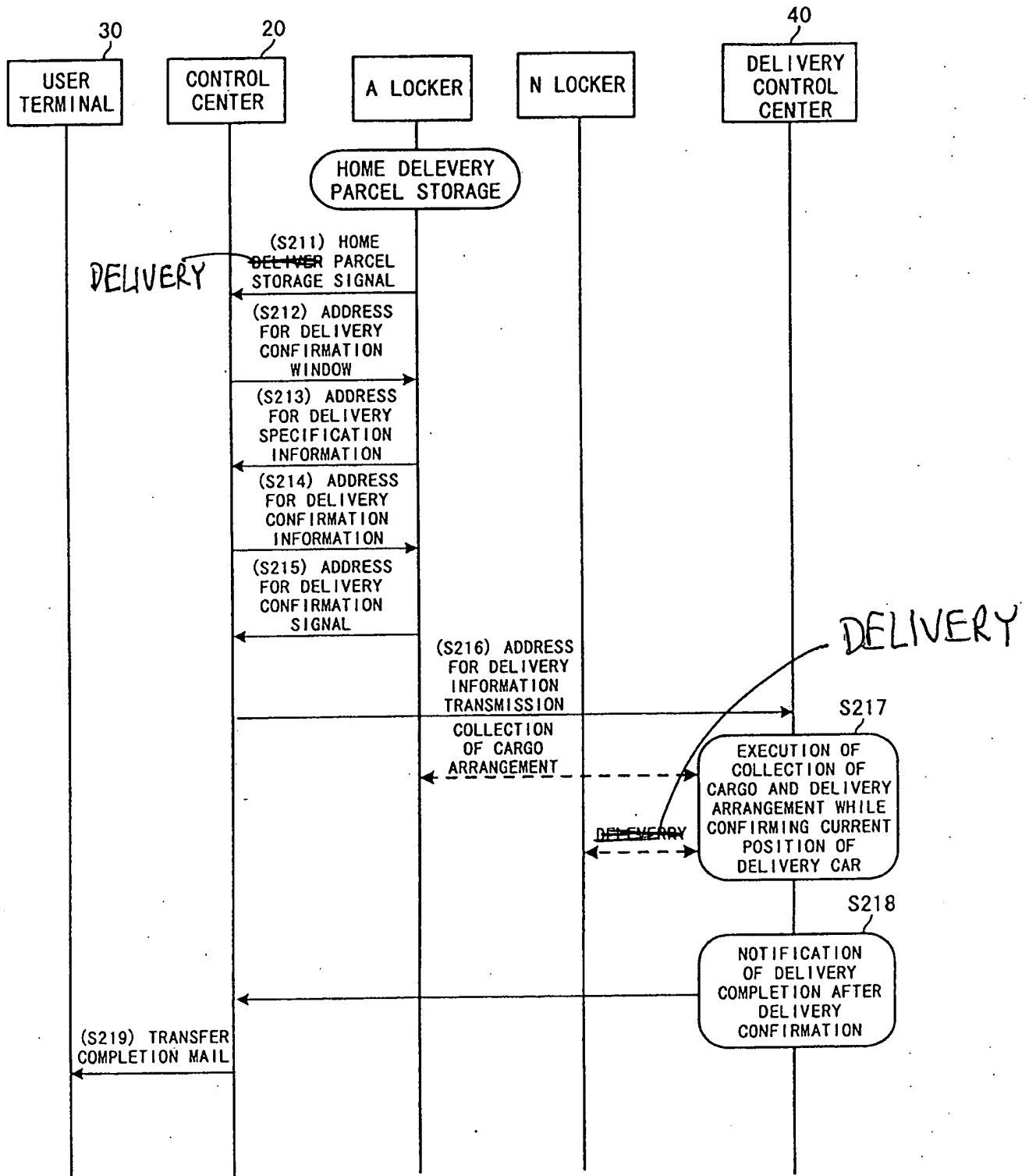
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**FIG. 8**



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FIG. 9



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# FIG. 10

STORED PARCEL  
TRANSFER ?

1. YES
2. NO

(a)

SPECIFY ADDRESS FOR  
DELIVERY

1. HOKKAIDO DISTRICT
2. TOHOKU DISTRICT
3. KANTO DISTRICT
4. •
5. •

(b)

ADDRESS FOR DELIVERY IS  
~~TOKYO~~—AREA —TOWN ?

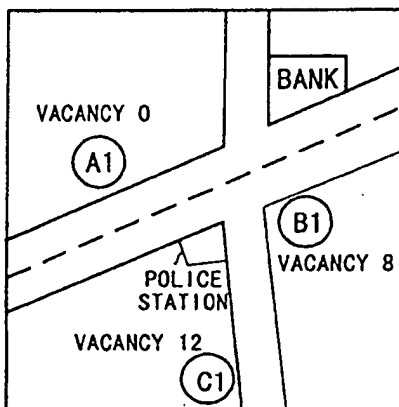
TOKYO

1. YES
2. NO

(c)

DISPLAY OF VIEW MAP OF  
LOCKER POSITIONED IN  
THE VICINITY OF  
TOKYO—AREA —TOWN

(d)



(e)

LOCKER OF ADDRESS  
FOR DELIVERY IS  
TOKYO— AREA—TOWN,  
TRANSMIT TRANSFER  
COMPLETION MAIL ?

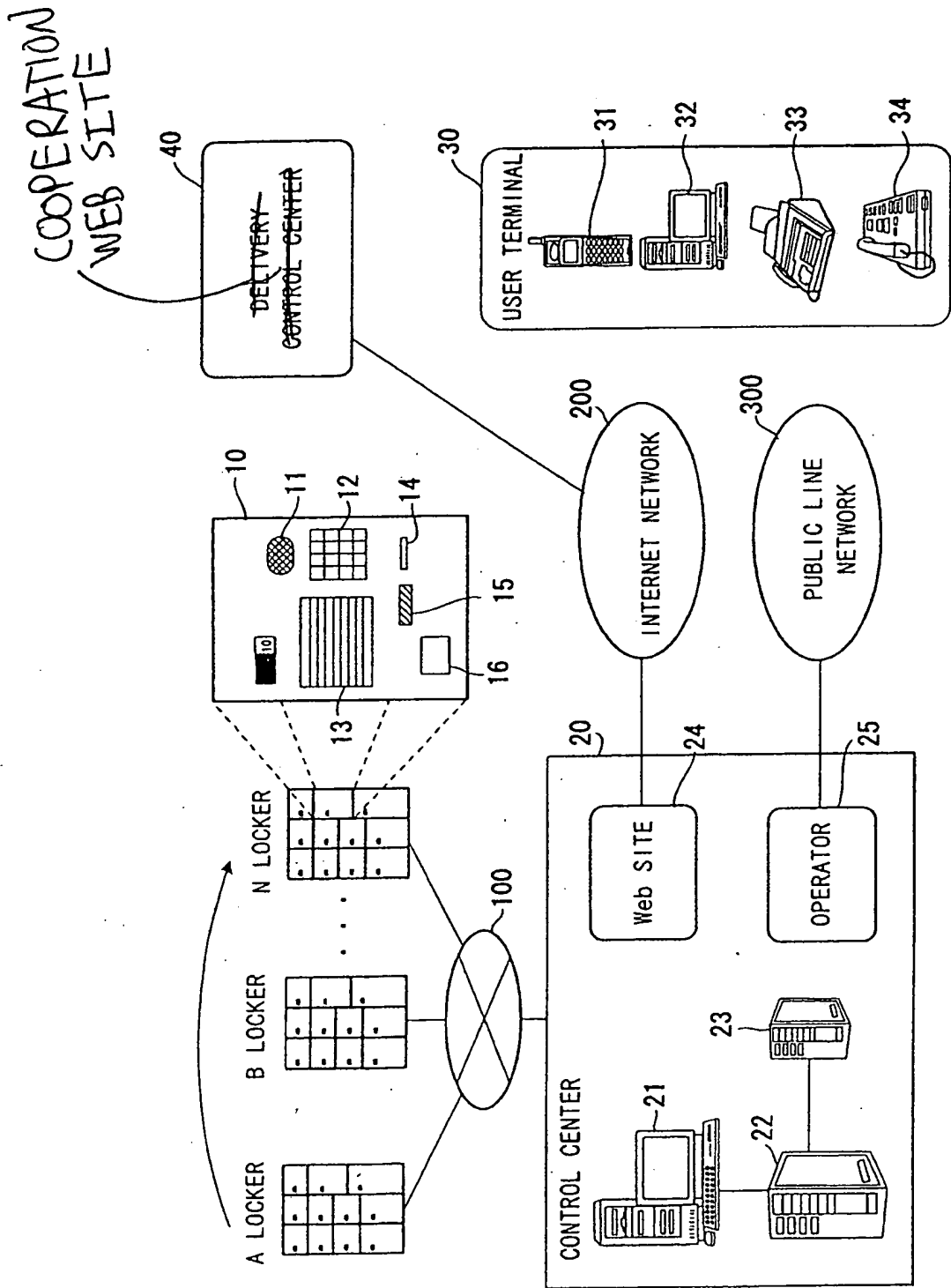
1. YES
2. NO

(f)



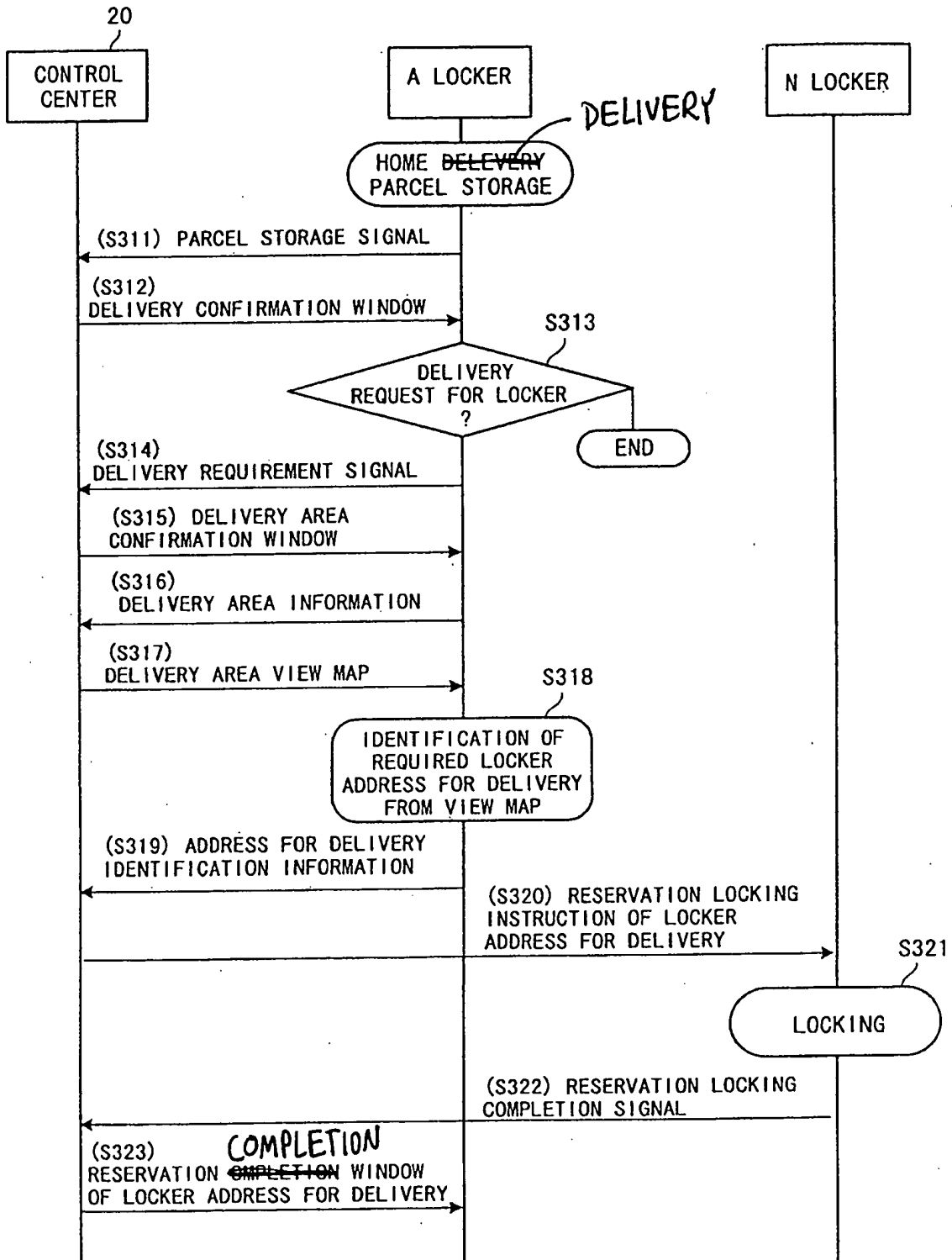
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FIG. 11



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FIG. 12



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**FIG. 13**

DESIRE LOCKER AS  
ADDRESS FOR DELIVERY ?

1. YES
2. NO

(a)

SPECIFY ADDRESS  
FOR DELIVERY

1. HOKKAIDO DISTRICT
2. TOHOKU DISTRICT
3. KANTO DISTRICT
4. •
5. •

(b)

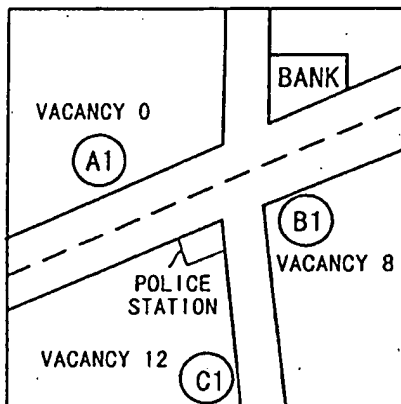
TOKYO — ADDRESS FOR DELIVERY IS  
~~TOKYO~~ — AREA — TOWN ?

1. YES
2. NO

(c)

DISPLAY OF VIEW MAP  
OF LOCKER POSITIONED  
IN THE VICINITY OF  
TOKYO — AREA — TOWN

(d)



(e)

RESERVATION OF LOCKER  
ADDRESS FOR DELIVERY  
IS COMPLETED.

THANK YOU FOR YOUR  
UTILIZATION WAIT FOR  
YOUR UTILIZATION AGAIN.

(f)